

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 56

PRINTER NO. 189

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 31, 2017

PRIME SPONSOR

Representative Watson

DESCRIPTION AND PURPOSE OF BILL

House Bill 56 amends Title 23 (Domestic Relations) to establish new guidelines for counseling about the adoption process.

House Bill 56 Repeals section 2505 of the Domestic Relations Code, which requires that a list of counselors be compiled and provided to maternity patients who are considering relinquishment or termination of parental rights.

The bill adds section 2506 (relating to adoption-related counseling services) to provide a birth parent with an understanding of the adoption process, the birth parent's rights and responsibilities, the consequences of a decision to relinquish parental rights, and the alternatives to relinquishment and adoption.

The bill stipulates that a birth parent or presumptive father, putative father, or an agency or attorney acting on behalf of a birth parent may apply for counseling if the individual is considering relinquishment of or has relinquished parental rights with respect to a child or placing a child for adoption.

The bill requires each court to compile a list of qualified counselors in the county and surrounding area and distribute the list to each agency, maternity or obstetrical health care provider, or any other person upon request. Health care providers must then distribute the list to individuals known to be contemplating relinquishment of parent rights with respect to a child or placing a child for adoption.

The bill requires the Department of Human Services (department) to notify those involved with establishing paternity about the availability of the list of counselors.

The bill requires a parent deciding to receive counseling to contact the court for a referral. It also requires the court to provide a referral within three days and to advise the parent of procedures to obtain counseling.

The bill requires each county to establish a separate fund to pay for adoption-related counseling services. The revenue source of the counseling fund shall be a filing fee of \$75.00 on all reports of intention to adopt. The fund shall be used to pay for counseling for those who are unable to pay. It prohibits the collection of a filing fee with respect to the adoption of a special needs child who is eligible for adoption assistance under department regulations. The bill permits the court to reduce or waive the filing fee in cases of financial hardship.

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The frequency of counseling services shall be determined by a court in accordance with regulations promulgated by the department that take into account the needs of the birth parent.

The bill authorizes each court to designate an agency within the county to implement the provisions of section 2506.

This act shall take effect in 60 days.

FISCAL IMPACT:

House Bill 56 will have no fiscal impact to the Commonwealth. The bill requires the Department of Human Services to notify those involved with establishing paternity about the availability of the list of counselors, which can be accomplished within existing staffing levels and funding provided to the department.

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